



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD:hd

Docket No: 07080-99

17 April 2000

LT [REDACTED] USN

Dear Lieute [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by the Navy Personnel Command dated 23 February and 9 March 2000, copies of which are attached. The Board also considered your letter dated 5 April 2000 with enclosures.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the advisory opinion dated 23 February 2000 in concluding that no correction of your fitness report record was warranted. Since the Board found no defect in your performance record considered by the Fiscal Year 00 Line Lieutenant Commander Selection Board, they had no basis to remove your failure of selection by that promotion board. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosures



7090-99

**DEPARTMENT OF THE NAVY**  
**NAVY PERSONNEL COMMAND**  
**5720 INTEGRITY DRIVE**  
**MILLINGTON TN 38055-0000**

1610  
PERS-311  
23 February 2000

**MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS**

Via: PERS/BCNR Coordinator (PERS-00ZCB)

Subj: LT [REDACTED]

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests the removal of his original fitness report for the period 28 March 1997 to 20 August 1997, and replacing it with a supplemental report for the same period.

2. Based on our review of the material provided, we find the following:

a. A review of the member's headquarters record revealed both the original and supplemental reports to be on file. Both reports are signed by the member acknowledging the contents of each and his right to submit a statement. The member did not desire to submit a statement.

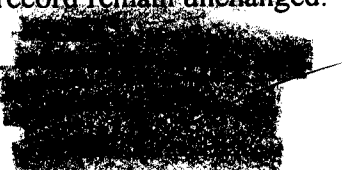
b. The reporting senior has submitted, and we have accepted and filed the revised report. The supplemental fitness report upgraded several performance trait marks, and changed block-41, Comments on Performance. The member's promotion recommendation is the same on both reports. Although the supplemental fitness report was filed in error, it was submitted more than two years after the report ending date, we will not remove it from the member's record.

c. The reporting senior's rationale for submitting the revised report does not justify replacement of the original report. We believe our action in filing the revised report is sufficient to demonstrate the reporting senior's evaluation of the member's performance, both originally and after a period of time. Even though the reporting senior recommended substitution of the report, we do not feel it appropriate.

d. The report was not considered in error or unjust prior to the member's failure of selection to Lieutenant Commander. Failure of selection or enhancement of promotion opportunity does not justify removal of a fitness report.

d. The member does not prove the report to be unjust or in error.

3. We recommend the member's record remain unchanged.



Head, Performance  
Evaluation Branch



## DEPARTMENT OF THE NAVY

**BUREAU OF NAVAL PERSONNEL  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000**

5420  
PERS-85  
9 Mar 00

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: LT [REDACTED] HSN,

Encl: (1) BCNR File

1. Enclosure (1) is returned recommending disapproval of Lieutenant [REDACTED] request for removal of his failure of selection resulting from the FY-00 Active-Duty Lieutenant Commander Line Promotion Selection Board.
2. Lieutenant [REDACTED] request is based on his claim that his fitness report of 28 March 1997 to 20 August 1997 was in error. The original report was not considered in error or unjust as determined by Pers-311. A supplemental report for the same period was placed in his record subsequent to the regular board.
3. Although the supplemental report was not a part of Lieutenant [REDACTED] record at the time of the FY-00 board, his record as reviewed before the board was complete. The promotion recommendation is the same on both reports. The board had all the information that was required for consideration and records that were presented before it provided a substantially accurate, complete, and fair portrayal of his entire career and sufficient information to make a promotion decision.
4. Recommend disapproval of his request [REDACTED]

~~SENK~~ Liaison, Officer Promotions  
and Enlisted Advancements Division